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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,471	04/12/2001	Paul J. Rankin	PHGB 000048	2814

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,471

Applicant(s)

RANKIN, PAUL J.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/31, 9/12, 4/12</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application Number 09/833, 471 was filed on 04/12/2001. Claims 1-13 are subject to examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- a. **Referring to claim 1,**

Claim 1 recites "a network communication apparatus" which comprises "storage means holding a profile database." Claim further recites "at least one server and plurality of user stations." However, claim fails to disclose the location or attachment or association of the storage means holding a profile database with either any servers or user stations; or it just exists in the network somewhere. It is unclear what Applicant's intended metes and bounds for claim 1 are. Pin pointing the location of the storage means holding a profile database has to be considered since claim further recites "wherein the user terminal is configured to perform the automatic acquisition of data for the profile database."

Claim 1 also recites "a portable communications device coupled with said terminal and connectable to said at least one server via a second network" and "data being transferred to said server via said portable communications device".

Claim fails again to define whether the server recited in the preamble of the claim is the same as the server "said at least one server via a second network". If these servers are the same as claimed by stating "said at least one server", the apparatus performing claimed invention is deemed to be not feasible since the

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server recited in the preamble of the claim is associated with the first network and the later server is associated with the second network which is connectable to a portable communications device. The claim further goes on reciting "data being transferred to said server via said portable communications device". Thus, the claim elements related to "server" is even further worsened by phrasing: "to said server via." since it is unclear whether this server is in the first network or second network. It is again unclear what Applicant's intended metes and bounds for claim 1 are.

Referring to claim 12,

The inadequacies pointed out for claim 1 above are equally applicable to claim 12.

For the purpose of this office action, the database is considered to have associated with the first network server and the portable communications device connectable to a server of the second network which is different than the server of the first network and both of these servers do communicate through a network.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before

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the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Dennis et al. (hereinafter Dennis) (WO 99/33293)

Referring to claim 1,

The reference teaches a networked communications apparatus comprising at least one server (internet 102, page 7, line 21, "The personal profile server is coupled to the personal profile web site on internet 102") and a plurality of user stations (Fig.1, elements 101 and 106), wherein the user stations comprise terminals arranged to receive information from the at least one server by means of a connection via a first network (Fig.1, elements 101 and 106, 11), the apparatus further comprising:

storage means holding a profile database, which profile database contains data representing a characteristic behaviour of an associated user terminal network address or addresses, the apparatus including means for automatically acquiring such data in response to an activity of the associated user (page 4, lines 10-17) and storing the same together with the associated user terminal network address or addresses in the profile database;(page 7, lines 11-17)

wherein the user station further comprises a portable communications device coupled with said terminal and connectable to said at least one server via a second network (Fig. 1, elements 106 and 103), wherein the

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user terminal is configured to perform the automatic acquisition of data for the profile database, said data being transferred to said server via said portable communications device following establishment of a connection via said second network. (As admitted by the applicant on page 3, lines 3-7 of the specification, the coupling between the user station and a portable communications device is achieved by "known generically as Bluetooth." And as such, given the wide adoption and acceptance of wireless communication and penetration of mobile devices in most populations, it is not unusual for a consumer to have a number of such devices. For example, a consumer may be presented with a choice of a mobile phone, a PDA or personal computer, and by implementing BLUETOOTH connectivity between these devices, these devices can form an ad hoc wireless network. In such a network, each device can operate not only as a host but also a router, forwarding data packets for other mobile devices in the network that may not be within communication range of each other.)

Referring to claim 2,

The reference teaches apparatus as claimed in claim 1, wherein said portable communications device comprises a mobile telephone, said second network is a telecommunications network. (Fig.1, element 106 and 103)

Referring to claim 3,

The reference teaches as claimed in claim 1, wherein the first network is the Internet (Fig.1, element 102) and the user terminals comprise at least a display device coupled with processing means hosting an Internet browser and user-

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operable means for control of the same. (Fig.1, element 101)

Referring to claim 4,

The reference teaches apparatus as claimed in claim 3, wherein one or more of said terminals comprises a television receiver further configured to access and display data from the World Wide Web. (Page 7, lines 2-4, "Terminal 101 may be any device, which allows a user to access internet 102")

Referring to claims 5 and 6,

The reference teaches apparatus as claimed in claim 1, wherein the coupling between the portable communications device and the respective user terminal comprises a wireless link, and Apparatus as claimed in claim 5, wherein data transfer via said wireless link follows a predetermined set of message transfer protocols. (As admitted by the applicant on page 3, lines 3-7 of the specification, the coupling between the user station and a portable communications device is achieved by "known generically as Bluetooth." And as such, And as such, given the wide adoption and acceptance of wireless communication and penetration of mobile devices in most populations, it is not unusual for a consumer to have a number of such devices. For example, a consumer may be presented with a choice of a mobile phone, a PDA or personal computer, and by implementing BLUETOOTH connectivity between these devices, these devices can form an ad hoc wireless network. In such a network, each device can operate not only as a host but also a router, forwarding data packets for other mobile devices in the network that may not be within communication range of each other.)

Referring to claim 10,

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The reference teaches apparatus as claimed in claim 1, wherein the or each said portable communications device further comprises the technical features of the respective user terminal. (Fig.1, elements 101 and 106)

Referring to claim 11,

The reference teaches apparatus as claimed in claim 1, wherein the coupling with said user terminal is by wireless transmission therefrom, and the portable communications device means for receiving wireless transmissions from the terminal are further configured to receive additional data transmitted wirelessly from other sources. (Fig.1, elements 103, 107, 105)

Referring to claim 12,

Claim 12 is a claim to method that is carried out by the apparatus of claim 1.

Therefore, claim 12 is rejected for the reasons set forth for claim 1.

Referring to claim 13,

The reference teaches apparatus method as claimed in claim 12, wherein said portable communications device comprises a mobile telephone and stored access data for establishing connection comprises a telephone number for said mobile telephone. (Page 7, lines 11-19)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis et al. (hereinafter Dennis) (WO 99/33293) in view of Balog et al. (hereinafter Balog) (US 2002/0022453 A1)

Referring to claims 7, 8 and 9,

Keeping in mind the teachings of the reference Dennis as stated above, and keeping in mind the Applicant's admitted generically known Bluetooth." the reference Dennis fails to teach wherein the portable communications device further comprises a buffer arranged to store data received from said server and addressed to the respective user terminal, and means for reading stored data from said buffer and sending said data on to the user terminal, and wherein a said portable communications device further comprises means configured to determine whether a respective user terminal is available to receive data from said server and, if so, to forward such data and, if not, to buffer such data until such time as either the respective user terminal becomes available or the buffer becomes full., and wherein a said portable communications device further comprises means configured to determine whether said server is available to receive data from a respective user terminal and, if so, to forward such data and, if not, to buffer such data until such time as either the server becomes available or the buffer becomes full. The reference Balog teaches the bluetooth connectivity wherein one device serves as a master and the others serve as

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slaves. (page 3, para.[0031]). The reference also teaches "Based on user preferences defined in a user profile and the user's current location as defined by the access points 20, along with the user device 16 configuration, the content can be routed to the correct user 14, at a specified time, using the most appropriate communication protocol and path to the preferred device 16." (page 3, para.[0029]). Thereby the reference teaches the claimed elements of the invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to use the teachings of Balog to enhance the system of Dennis such that it provides a system wherein associating a user with a global profile having the characteristics of the devices and user attributes, storing the global profile (a profile database) on the service provider; dynamically selecting an optimal communication protocol for transport of the content based on the data type and selecting at least one of the mobile devices being best suited to receive the data type. Thus, the content is routed to one of the devices in accordance with the global profile, data characteristics and prevailing network conditions as taught by Balog.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

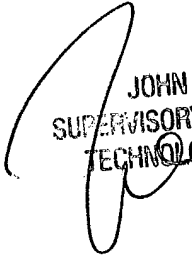
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp



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